

unanimous consent request. I ask unanimous consent that notwithstanding the provisions of rule XXII, the cloture vote occur at 2 o'clock today and that second-degree amendments be filed not later than 2 p.m. on Monday, March 13. I further ask that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, is there any limit on the time for Senators at this point?

The PRESIDING OFFICER. There is 5½ minutes remaining on the minority side.

Mrs. BOXER. I ask unanimous consent that be extended on both sides by an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. Mr. President, if you would let me know when I have used up 9 minutes so I can wrap up?

The PRESIDING OFFICER. The Chair will so advise.

PORT SECURITY

Mrs. BOXER. Mr. President, I have been watching the developments on the Senate floor with, let's say, much surprise. It is very hard for me to understand why this Senate would not want to go on record in opposition to the Dubai ports deal when we have an opportunity to do that, to dispose of that amendment by Senator SCHUMER and go right back to the ethics reform bill that is before the Senate.

I thank Senator SCHUMER for his courage because I know how it is around here sometimes. You need courage to say: Look, this is so important I am not going to back down. Senator SCHUMER explained that he and his colleagues from New York and New Jersey and Connecticut suffered the biggest blow on 9/11, although, believe me, the whole country suffered a blow—certainly in Pennsylvania directly and in my home State of California, where all those planes were going. We lost many people on that day.

But Senator SCHUMER explains that when you tell the people at home: I am going to do everything in my power so that we never have another 9/11, you better mean it. You better mean it. That means you have to step up to the plate. If you believe this deal presents a danger to our security, you have to step up to the plate, you have to use

every legislative prerogative at your disposal, and you have to say to your colleagues: I am sorry, we are going to take 5 minutes out, we are going to take 10 minutes out, we are going to take 15 minutes out of this bill, and we are going to vote on this.

My colleagues on the other side of the aisle, God bless them—I know they must have a reason for this—they have stopped us from voting. They have stopped us from voting to stop this Dubai ports deal. Why is it important? There are so many reasons. This deal involves a port operator that is fully owned and controlled by a foreign country. Do we, in a post-9/11 world, want to have our very important infrastructure controlled by another country? I say no. Pre-9/11 we didn't think this way so much.

We had a situation, Senator FEINSTEIN and I, in Long Beach, the Los Angeles port, where China took over the running of a terminal. We were very concerned. This was in about 1997, well before 9/11. We were concerned then, and we asked for a special report from then-Secretary of Defense Cohen and Sandy Berger—he was our National Security Adviser. We asked them to do a written report to us before we let that go through. I believe now it ought to be looked at again. Not only that, but for all of the other ports that are being operated by foreign countries, we ought to have a look back. We ought to see if that is the right thing to do.

But one thing I know for sure, today, this deal has to stop. We have a chance here, thanks to Senator SCHUMER, who took a lot of abuse—maybe not publicly but privately—for having the courage to do this. We have to have a vote. It is amazing to me that those on the other side would stop us.

This is the same group who said to the Democrats: You better step back and let us have a vote on every judge we want, you better step back and let us have votes on all these things, and they will not let us have a vote on the most sacred responsibility we have, which is to keep our country safe.

Let the American people understand what this is about. It is not as if we have done so much for port security in this Congress. We have gotten failing grades for what we have failed to do on port security. It is not for lack of trying.

I want to show you how many amendments we voted on, to try to increase port security, and what happened. In the 107th Congress, \$585 million increase for port security in the fiscal year 2003 appropriations; another vote, \$500 million increase for port security; another vote, \$200 million increase for the Coast Guard; \$1 billion for port security. Guess what happened in the 107th Congress. Every one of those amendments went down. Every one of those amendments went down because my colleagues on the other side pretty much voted party line, voted down.

What happened in the 108th Congress? An amendment for a \$460 million

increase for port security plus a \$70 million increase for the Coast Guard for homeland security was voted down; \$450 million increase for port security, voted down; \$100 million increase—we went at it again and again—voted down; \$324 million increase for the Coast Guard, voted down; \$80 million increase for the Coast Guard, voted down; \$150 million increase for port security grants, voted down.

My colleagues on the other side voted down every one of these while they voted for tax breaks for the most wealthy Americans who already earn \$1 million a year.

I hope the American people are catching on to what is going on. Had we done some of these things and you had the country, the United Arab Emirates, that had connections to 9/11—two of the hijackers were from there. We know that money was laundered for the operation through Dubai. We know that Dr. Khan, the Pakistani scientist who turned on the civilized world and smuggled nuclear components to Iran, to North Korea, and to Libya—how did he smuggle those? Through the port of Dubai. And what we are going to do is reward these people, is give them the right to operate a terminal.

Then you hear from my colleagues: Oh, the terminal operator has nothing to do with security.

Wrong. We have a letter from the No. 2 man at the Port Authority in New Jersey and New York. Do you know what he said? The terminal operator is one of the major players in port security. They are the ones who decide who gets hired. They are the ones who do the background checks.

I have that letter. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Honorable Lindsey Graham U.S. Senator.
From: James P. Fox, Deputy Executive Director, Port Authority of NY/NJ.

Date: March 1, 2006.

Re: port security-terminal operators.

PORT SECURITY: FEDERAL AGENDAS VS. TERMINAL OPERATORS RESPONSIBILITIES

The main players in port security consist of Customs and Border Patrol, U.S. Coast Guard, Immigration and Customs Enforcement and the marine terminal operators.

Due to the recent DP World Ports acquisition of P&O Ports, reports have debated the level of responsibility that marine terminal facilities operators have for security at their facilities. Too clarify, marine terminal operators schedule the ship traffic in and out of their terminals and they are also responsible for handling the loading and unloading of the vessels cargo. In 2004 alone, the Port Authority of New York and New Jersey's terminal operators combined handled 4,478,480 (twenty-foot equivalent units) or TEUs.

Marine terminal operators, such as P&O, are also responsible for the perimeter security of their leasehold. They hire the security guards and purchase the technology that will protect the terminals property, therefore having control over who can enter and exit a facility. Currently, each port, and each operator within the port, has its own

system for checking and identifying workers. It is important that Congress and the administration understand the importance of funding the Transportation Worker's Identification Card in order to bring national uniformity to port worker identification. At this time, there are no required minimum standard security measures that the marine terminal operators must adhere to. Voluntary security is not security.

It is important to note that marine terminal operators must also act as an interface with the vessel and the federal agencies. For example, if Customs and Border Patrol wants to inspect a certain container they work through the terminal operator to make that container available. As a terminal operator, the management team and personnel are an intricate part of the overall security apparatus at the terminal. It is these personnel that will have an intimate role in the movement and scheduling of cargo.

To make a statement that the terminals do not play a role in the security checks and balances at the terminal is off-base. Therefore any change of management at a terminal facility brings with it the need to ensure that those directing and controlling the flow of cargo do not pose any risk to national security.

Mrs. BOXER. Mr. President, here is the letter. They hired two security guards—that would be the Dubai people—and purchased the technology that will protect the terminal properties. They have control over who can enter and exit a facility. They have their own systems for checking and identifying workers.

Let me tell you that the terminal operators, according to the people who know best, are very much into the loop of security. As a matter of fact, they are deemed one of the main players. That is what they are called—main players in port security consisting of Customs, Border Patrol, Coast Guard, Immigration, Customs enforcement, and the terminal operators.

If anyone says to you it doesn't matter who loses the terminal, you just relate to them that we know better. When Senator STEVENS had the CCO of Dubai Ports World before our committee, I said to him: What do you think about the fact that this Dr. Kahn got all of these smuggled nuclear components through Port of Dubai?

Do you know what he said? This is the chief corporate officer of Dubai Ports World. He said, "We don't know anything about it. We never look at containers."

Can you imagine? So here it is. We have a chance to stop this Dubai Ports deal in its tracks. To do so is in the best interests of the people of this country. To do so would be reflective of what the House of Representatives did yesterday in their Appropriations Committee. To do so is our highest responsibility to the people of this country. To do so is common sense. To do so is to stand for the security of this country.

This deal is greased. The underlying bill that Senator SCHUMER attached this to, you and I, Mr. President, could live by the rules of this bill. And I intend to do it whether it is passed today, tomorrow, or next week. But we

have to stop this deal from going forward. Listen, that deal was greased. That deal was greased. The President is all for it. He said: I didn't know anything about it. But 50 seconds later he was all for it.

This is our only chance today, unless there is an agreement to have a stand-alone bill. I hope colleagues will fight for the right to vote for this important amendment. Thank you very much.

The PRESIDING OFFICER. The Senator from Minnesota.

EXTENSION OF MORNING BUSINESS

Mr. COLEMAN. Mr. President, I also ask unanimous consent that the period of morning business be extended until 2 p.m. with the time equally divided in the usual form, and the time between 1:30 and 2 p.m. be reserved for the proponents and opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORT SECURITY

Mr. COLEMAN. Mr. President, I want to speak a little bit about Iran and about the outrageous comments by the Iranians threatening the United States of America and continuing their perilous path to try to obtain nuclear weapons. But before I do that, I have to respond as I listened to the discussion about port security.

I am chairman of the Permanent Subcommittee on Investigation. For 2 years we have been looking at the issue of port security. We have looked at the possibility of someone bringing a nuclear bomb into this country, or weapons in one of the over 11 million cargo containers that come in from the seas.

We have before us a situation and the prospect of UAE Dubai Ports World taking over a number of American ports on the east coast. It has raised a lot of concern, as it should. But some of the rhetoric is a little aboveboard.

When I say that, we need to do everything in our power to make sure that we are safe and secure. Ports are points of entry, and there are areas of vulnerability. This deal has raised very legitimate concerns.

First and foremost was the process. The process, while we look at foreign investment in the United States, as I would describe it, a pre-9/11 process and a post-9/11 world, about 1,500 of these have been done on a 30-day expedited basis.

When folks at the sub-Cabinet level looked at this—folks in Treasury, Homeland Security, other agencies of the administration looked at this—they saw that we were talking about taking control of ports, and, yes, by the UAE. It raises security issues. Under the law that calls for a 45-day review. It didn't happen. That was a mistake. That was the wrong thing. It was a violation of the law. It was a bad process and the process needs to be changed. But we have to tone down the rhetoric a little bit.

It is interesting. I have been, again, a major critic of the process. I signed a bipartisan letter with my colleague from New York, Senator SCHUMER, with Senator CLINTON from New York, and with both Senators from New Jersey. We signed a bipartisan letter that said we demand that this go back to the 45-day process; we demand that we take a close and serious look at it and we make sure we have looked at all the security concerns. Then, at the end of that 45-day process, we demanded that Congress have the right to review the conclusion. If the conclusion from our perspective did not appear to be in the best interests of our national security, we would then note our disapproval and the deal wouldn't go through. We had a bipartisan agreement to do that.

Today, clearly the American public is deeply concerned, as they should be. But instead of going through the process—by the way, we pride ourselves as being the greatest deliberative body in the world—instead of allowing the process to go through with Congress then being briefed, having the hearings—we have had to some degree, and we need more. We heard from the folks who made the decision in front of the Homeland Security Committee. They explained what happened. Then we went into private session. We went into the secure room in this building and had classified material. We had a review. We listened. We understand the review is ongoing. Nothing is going to change. There is no change in the status quo. Dubai is not going to be taking over any American port until the CFIUS process is done, not until the President has exercised his authority under law and until we in Congress have a review.

My colleagues are talking about this is our only chance to stop this deal, and we have to act now. This is policy-making by poll taking. Clearly, the American public has been concerned, as they should be.

We have put in place a process by which there is a 45-day time to review. We have called for and demanded congressional oversight of that and the opportunity to be heard, and we will get that. We need to be assured that we are going to get that.

But to somehow communicate to the American public that this is our only chance and terrible things are going to happen if we do not stand up and stop this today is really more about pandering to the fears of the moment than doing what we are supposed to do in this bill; that is, be deliberative and thoughtful.

I have some deep concerns about the history regarding UAE—deep concerns about the trafficking of nuclear materials by Dr. Kahn from Pakistan. I have concerns about the UAE when they recognized the Taliban, as they did, by the way, Pakistan and Saudi Arabia.

One of our strongest allies today in the war on terror is Pakistan. Are my colleagues presuming that somehow we